

REMARKS

Applicants would initially like to thank the Examiner for the allowance of claims 17 and 18, and indication of allowable subject matter in pending claims 11 and 14.

Claims 9-18 remain in the application. No claims have been added, cancelled or amended.

Claims 9 and 13 have been rejected under 35 U.S.C. § 112 for lack of support in the specification for the recitation of “simultaneously suspending.” Applicants traverse the rejection. The application discloses an embodiment in which a control signal causes the system to “invoke a call failure mode for any call directed to the onboard system.” Page 35, lines 12-16. By definition, this deactivation will “simultaneously” prevent incoming calls from reaching any and all of the plurality of users on the aircraft. The recitations in claims 9 and 13 of “simultaneously suspending” and “simultaneously discontinuing” are thus fully supported by the teachings of the application. Withdrawal of the rejection of claims 9 and 13 on this basis is therefore requested.

The Office Action rejects independent claims 9 and 13 under 35 U.S.C. § 103 as obvious over Zicker in view of McConnell et al. (“McConnell”). Applicants traverse the rejection.

Claim 9 as amended recites “simultaneously suspending, in response to a control signal, forwarding incoming calls to the plurality of user.” Claim 13 similarly recites that the “ground station being configured to at least temporarily simultaneously discontinue, in response to a control signal, forwarding incoming calls to the plurality of users.” As the Office Action concedes, the primary Zicker reference does not teach or suggest any suspension of incoming calls, let alone a simultaneous suspension of incoming calls.

To provide what is lacking from Zicker, the Office Action turns to McConnell, arguing that it teaches simultaneous suspension of incoming calls to a plurality of users. Applicants disagree. McConnell clearly discloses that its suspension is based on individual calls on a call by call basis:

When a call is received at the PBX 12 for the customer from one of the other PBX extensions or a phone not serviced by the PBX, the PBX initially suspends the call as depicted in steps 400, 402. The PBX then determines whether the landline extension associated with the incoming call can receive the call (i.e., whether the line is busy) as depicted in step 404. At the same time or subsequently, the PBX triggers the interface assembly 18 to determine whether the dialed number corresponds to a person who has been assigned a mobile phone as depicted in step 406.

McConnell, column 7, lines 15-24 (emphasis added). The above teachings of McConnell, which appear under the heading “Operation” makes it perfectly clear that the McConnell’s “suspension” applies to a single individual incoming call directed to a single dialed number that corresponds to a single person. Nothing in McConnell teaches or suggests that the above suspension of an individual call will also suspend incoming calls for any other users on the system. Indeed, it makes no sense for it to do so.

A simple example demonstrates how the combination of Zicker and McConnell fails to teach or suggest the claimed invention. Suppose that there are seven users aboard an aircraft, and three have calls in progress. According to the invention of claim 9, in response to the control signal the system will simultaneously stop sending any further incoming calls to the seven users. But the suspension of the incoming calls does not affect any of the three calls in progress. In contract, the combination of Zicker and McConnell would at best suspend a single call in progress while the system checks whether the particular user is available. It would have no effect on the other six user’s ability to receive incoming calls on board the vehicle. There would, quite simply, not be any simultaneous suspension of incoming calls to all of the plurality of users, as recited in claim 9.

McConnell thus teaches a system will temporarily suspend an individual incoming call while the system determines whether the line for the called party is available. McConnell does not teach or suggest a simultaneous suspension of all incoming calls to a plurality of users. Indeed, simultaneous suspension would have no purpose or effect in the McConnell system, either alone or

in combination with Zicker. It would amount to an effective shutdown of the entire McConnell system, which would most certainly affect calls in progress in contravention of the language of claims 9 and 13.

Accordingly the proposed combination of Zicker and McConnell fails to teach every limitation of claims 9 and 13, and fails to provide suggestion or motivation to modify their teachings to meet these limitations. Withdrawal of the rejection and allowance of the same are therefore respectfully requested.

Claims 10, 12 and 15, which depend from the above-noted independent claims (either directly or through intervening claims) have also been rejected under 35 U.S.C. § 103 as obvious over Zicker in view of McConnell. In view of at least the reasons discussed above, these dependent claims are likewise believed patentably distinct over the applied art. Withdrawal of the rejection and allowance of the same is therefore respectfully requested.

The Office Action rejects independent claim 16 under 35 U.S.C. § 103 as obvious over Zicker in view of McConnell. Applicants traverse the rejection.

Claim 16 recites “sending a control signal representing a request for the ground-based network to discontinue forwarding incoming calls to the vehicle.” McConnell teaches suspending incoming calls to individual users on a call-by-call basis, not the wholesale suspension of calls to an entire vehicle. To the contrary, even if Zicker and McConnell were properly combined (a point which Applicants contest), the resulting system would simply suspend individual incoming calls on a call-by-call basis to individuals aboard the vehicle while the system checked to determine if the called party was available. It would not result in the wholesale discontinuation of incoming calls being sent to the vehicle.

Accordingly, claim 16 is patentably distinct over the applied art. Withdrawal of the rejection and allowance of the same is therefore respectfully requested.

PATENT APPLICATION
Attorney Docket: 11696.0054

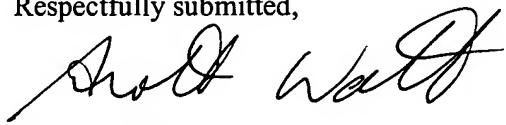
In view of the foregoing, the application is now believed to be in proper form for allowance, and a notice to that effect is earnestly solicited.

If a telephone conference would be of value, the Examiner is requested to call the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies/overpayments to Deposit Account No. 19-4293 (11696.4009).

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Respectfully submitted,



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